

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17189 of 2023**

Arising Out of PS. Case No.-363 Year-2022 Thana- CHAKIA District- East Champaran

Prabhat Kumar, S/O- Late Nandlal Prasad, Village- Kunawa Ps- Chakia Dist-
East Champaran. Petitioner.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Prince Kumar Mishra, Advocate Mr. Vikash Kumar Jha, Advocate
For the Informant	:	Mr. Karandeep Kumar, Advocate
For the State	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-07-2023 Heard Mr. Mrigank Mauli, learned senior counsel
ably assisted by Mr. Prince Kumar Mishra, learned Advocate for
the petitioner and learned A.P.P. for the State assisted by learned
counsel for the informant.

The petitioner apprehends his arrest in Chakia P.S.
Case No. 363 of 2022 registered for the offences punishable
under Sections 447, 326, 109, 307, 302 & 504/34 of the Indian
Penal Code pending in the Court of learned Chief Judicial
Magistrate, East Champaran at Motihari.

The allegation against the petitioner is that he gave
sword blow on the head of the informant's brother, sustaining



injury he fell on the ground and on the way to hospital he succumbed to his injury.

It is submitted by learned senior counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. It is further submitted by learned senior counsel for the petitioner that the petitioner purchased a piece of land from one of the other co-accused Ramayodhya Paswan vide a registered sale deed. After purchasing of the said land, he filed a mutation application before the Circle Officer for mutation of the said land in his name then the deceased Sambhu Choudhary filed an objection before the Circle Officer and the Circle Officer rejected the petitioner's mutation application and a Mutation Cancellation Case No.69/15-16 is pending before the Additional District Magistrate, East Champaran at Motihari. It is further submitted that the petitioner also filed a writ petition being C.W.J.C. No.282 of 2022 for disposal of the case pending before the Additional District Collector, East Champaran at Motihari and the Division Bench of this Court vide order dated 25.03.2022 has passed an order directing the Additional District Collector to conclude the jamabandi cancellation case within a period of four months positively. It



is further submitted that one of the co-accused, Pramod Kumar, who is brother of the petitioner, has also been falsely implicated in this case by the informant, however, during the course of investigation, the police found him innocent on the basis of CCTV footage and other evidence but, unfortunately, the CCTV is not installed in the house of the petitioner. It is lastly submitted that the allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that there is direct allegation of assaulting the brother of the informant by means of sword and sustaining injury he died on the way to hospital. Hence, the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case and the nature of the allegation, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek



regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

